

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROBERT WALKER, on behalf of	:	
himself and all others similarly	:	
situated,	:	Case No. 2:20-cv-3414
	:	
Plaintiff,	:	Judge Edmund A. Sargus Jr.
	:	
v.	:	Magistrate Judge Elizabeth A. Preston
	:	Deavers
NAUTILUS, INC.,	:	
	:	
Defendant.	:	

SUPPLEMENTAL DECLARATION OF SETTLEMENT ADMINISTRATOR

I, Denise Earle, hereby declare the following pursuant to 28 U.S.C. §1746:

1. I am a Senior Project Manager with Angeion Group (“Angeion”), located at 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. The purpose of this declaration is to provide the Parties and the Court with an updated summary of the work performed by Angeion to effectuate notice pursuant to the Court’s November 16, 2021 Order Granting Preliminary Approval of Class Action Settlement (ECF No. 41) (“Order”).

3. Angeion was retained by the Parties to serve as the Settlement Administrator to, among other tasks, disseminate Notice to the Settlement Class and perform other duties as specified in the Class Action Settlement Agreement (“Agreement”) and the Order that this Court preliminarily approved on November 16, 2021.

DIRECT NOTICE

4. As described in my prior declaration (ECF No. 50-3) “Notice Compliance Declaration”, between January 24, 2022 and January 31, 2022, Angeion caused 25,360 postcard

notices to be mailed to the Class Member records that did not have a valid email address, but had mailing address information. As of June 5, 2022, a total of 1,831 postcards were returned by the USPS as undeliverable. Postcards returned to Angeion by the USPS with a forwarding address were re-mailed to the new address provided by the USPS. Postcards returned to Angeion by the USPS without a forwarding address were subjected to address verification searches (“skip traces”) in an attempt to locate updated address information. In total, 1,280 postcards were re-mailed because of the above-described efforts.

REMINDER NOTICE

Email Notice

5. As described in my Notice Compliance Declaration, Angeion caused the initial email notice to be sent to 67,815 records. Subsequent to the initial email notices being sent, Angeion analyzed the action of the Settlement Class Members. After identifying the Settlement Class Members who submitted a claim, those who opted out of the Settlement or unsubscribed, and additionally after determining the records in which the initial email notice resulted in a hard bounce, Angeion identified 64,758 records remaining in which contact had not been made. Thus, on March 24, 2022, Angeion caused a reminder email notice to be sent to these 64,758 Settlement Class Members. A true and accurate copy of the reminder email notice is attached hereto as Exhibit A.

Custom Social Media Notice

6. On March 24, 2022, Angeion implemented a custom social media display campaign to Class Members for which an email address was present, and those email addresses are used as the primary log-in for Facebook or Instagram. The custom social media campaign concluded on or about April 23, 2022, delivering approximately 270,017 impressions. A true and accurate copy of the advertisement is attached hereto as Exhibit B.

SETTLEMENT WEBSITE AND TOLL-FREE HOTLINE

7. As described in my Notice Compliance Declaration, Angeion established the dedicated website www.NautilusTreadmillSettlement.com for this Settlement. As of June 5,

2022, the Settlement Website has had approximately 72,646 page views and approximately 37,957 sessions, which represents the number of individual sessions initiated by all users.

8. As described in my Notice Compliance Declaration, Angeion established the dedicated toll-free line 1-855-965-4009 for this case. As of June 5, 2022, the toll-free number has received approximately 186 calls, totaling 978 minutes.

REQUESTS FOR EXCLUSION AND OBJECTIONS TO THE SETTLEMENT

9. The deadline for members of the Settlement Class to request exclusion from the Settlement or object to the Settlement was April 1, 2022. As of June 5, 2022, Angeion has received 19 requests for exclusion from the Settlement. A list containing the names of the individuals requesting exclusion is attached hereto as Exhibit C.

10. Angeion has not been made aware of any objections to the Settlement.

CLAIM FORM SUBMISSIONS

11. The deadline for members of the Settlement Class to submit a claim form was May 2, 2022. As of June 5, 2022, Angeion has received approximately 16,676 timely claim form submissions and 17 late claim form submissions. Considering all submitted claims combined, there was a 10% claims filing rate. These claim form submissions are still subject to final audits, including the full assessment of each claim's validity and a review for duplicate submissions. Angeion will keep the parties apprised of the number of valid claim forms.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: June 7, 2022


DENISE EARLE

Exhibit A

From: Walker v. Nautilus Settlement Administrator
<donotreply@nautilustreadmillsettlement.com>
Sent: Thursday, March 24, 2022 2:31 PM
To:
Subject: REMINDER - Notice of Proposed Treadmill Settlement

Claim Number:

Confirmation Code:

Second Notice of Proposed Class Action Settlement

(If you have already filed a claim, you do not need to file again. This second notice has been sent to ensure you are aware of the class action Settlement and your rights.)

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION

Robert Walker v. Nautilus, Inc.

Case No. 2:20-cv-3414

A federal court authorized this notice. This is not a solicitation from a lawyer.

Dear ,

This court-authorized notice has been sent to you because a Settlement has been reached in a class action lawsuit involving Nautilus, Schwinn and Bowflex Treadmills that was brought against Defendant Nautilus, Inc. ("Nautilus"). You may be eligible to receive a Settlement payment and other benefits as you have been identified as a potential Settlement Class Member. Please read this notice carefully, as it explains your legal rights in this matter.

What Is the Lawsuit About?

Defendant sells Nautilus, Schwinn and Bowflex Treadmills ("Treadmills"). Plaintiff alleges that Defendant made misrepresentations regarding the horsepower of its Treadmills and, as a result, he and other Class Members paid more for the Treadmills than they would have absent the alleged misrepresentation. Nautilus denies the allegations.

Under the Settlement, Defendant agrees to create a Common Fund of \$4,250,000 from which to pay, subject to the Court's approval: (a) attorneys' fees and expenses to Class Counsel; (b) a service award; (c) notice and administration costs; and (d) a pro rata share of remaining Common Fund monies to Class Members asserting valid claims. No portion of the Common Fund will revert to Defendant. In addition, each Class Member asserting a valid claim will receive a one-year

subscription to Nautilus's JRNY app or, for those Class Members already subscribed, a one-year extension. Under the proposed Settlement, Defendant has agreed to stop using certain horsepower representations in connection with the future sale and/or marketing of its treadmills.

For detailed information about the lawsuit and the Settlement, please see the Notice of Settlement and the Settlement Agreement, available at www.NautilusTreadmillSettlement.com.

Am I a Settlement Class Member?

Defendant's and/or a retailers' records indicate you may be a Settlement Class Member. These records reflect that you purchased a covered Treadmill during the class period, July 7, 2016 through November 16, 2021.

If you do not opt out of the Settlement Class, you will be eligible to receive a payment and a subscription benefit under the Settlement. To claim a Settlement benefit, you must file a timely and valid claim by **May 2, 2022** at www.NautilusTreadmillSettlement.com or you can download a Claim Form there. During that process you may add or update your Settlement payment information, including your mailing address, or select to receive payment via electronic means, at www.NautilusTreadmillSettlement.com.

What Can I Get?

If the Settlement is approved by the Court and you have filed a timely and valid claim, you will be entitled to a monetary payment. The exact amount of the payment will depend on a number of factors, including the number of Class Members who can be located and make valid claims, the amount of attorneys' fees and expenses, the service award, and Court-approved administration costs. If there is a 20% claims rate, the payment per claimant is estimated to exceed \$50.00. In addition to the monetary payment, you would be entitled to a one-year subscription to Nautilus's JRNY app, or for those Class Members already subscribed, a one-year extension of your current subscription. The one-year subscription is valued at approximately \$150.00.

How Would I Exclude Myself?

If you do not want to be a Settlement Class Member, you may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator received by **April 1, 2022**. This would mean you would not receive a Settlement payment, but you will retain your rights concerning the legal issue in the lawsuit. Detailed instructions on how to exclude yourself from the Settlement are available at www.NautilusTreadmillSettlement.com.

What If I Do Not Agree with the Settlement?

If you do not exclude yourself, but do not like some aspect of the Settlement, you can also object. To object or appear before the Court to discuss your objection, you must file a written notice to the Court, and mail copies to counsel and the Settlement Administrator no later than **April 1, 2022**. Instructions

on how to object to the Settlement or appear before the Court can be found at www.NautilusTreadmillSettlement.com.

Do I Have a Lawyer?

The Court has appointed lawyers from three law firms to serve as Class Counsel: Markovits, Stock & DeMarco, LLC, Hellmuth & Johnson PLLC, and Chestnut Cambronne PA. They will petition to be paid legal fees from the Settlement Fund not to exceed one third of the Settlement Fund, their reasonable expenses in pursuing the lawsuit not to exceed \$75,000 and payment of a Class representative service award not to exceed \$5,000. However, you may hire your own lawyer at your expense if you so choose.

When Will the Court Consider the Settlement?

The Court will hold a final approval hearing on **June 21, 2022 at 10 a.m.** at Joseph P. Kinneary U.S. Courthouse, Room 301, 85 Marconi Boulevard, Columbus, OH 43215. The hearing may be postponed to a later date without further notice and may occur via remote means such as teleconference or Zoom. Settlement Class Members should check www.NautilusTreadmillSettlement.com regularly for any changes to this date or method of attending. At that hearing, the Court will hear any objections concerning the fairness of the Settlement, decide whether to approve the Settlement, the requested attorneys' fees not to exceed one-third of the Settlement Fund, plus reasonable expenses not to exceed \$75,000, the requested Class Representative payment not to exceed \$5,000, and administration costs.

How Do I Get More Information?

For more information, go to www.NautilusTreadmillSettlement.com, or contact the Settlement Administrator by email at info@NautilusTreadmillSettlement.com.

Please Do Not Contact the Court for Information.

[Unsubscribe](#)

Exhibit B

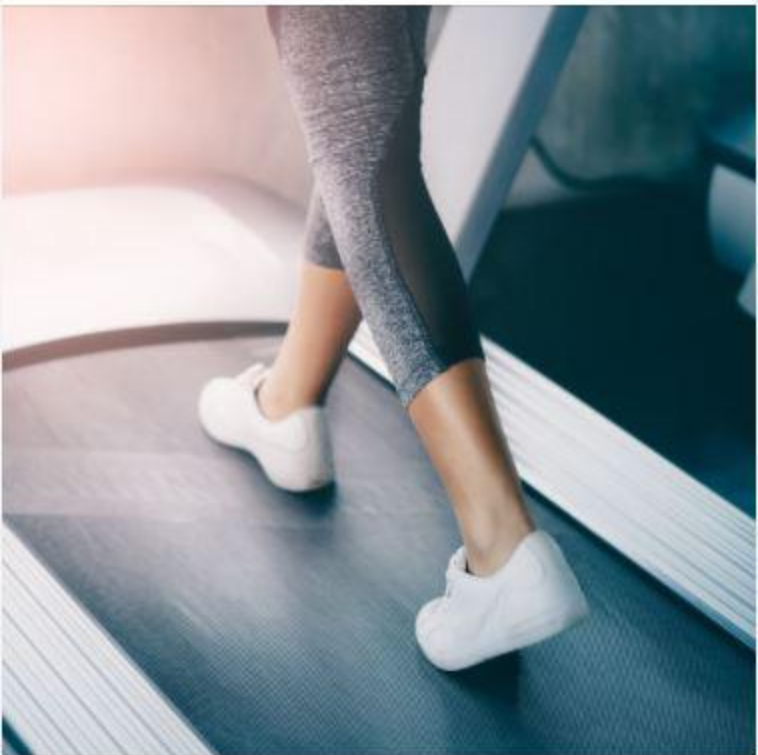


Angeion Group

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If you purchased a Nautilus, Bowflex or Schwinn Treadmill, you may be entitled to benefits from a class action Settlement.



NAUTILUSTREADMILLSETTLEMENT.COM

Walker v. Nautilus, Inc.

No. 2:20-cv-3414

[Learn More](#)

Exhibit C

Walker v. Nautilus, Inc.

Opt Outs

	First Name	Last Name
1	Tamara	Dierks
2	Erin	Ford
3	Josh	Hellendrung
4	Darlene	Jaeger
5	Susan	Jones
6	CHESTER	KACZENSKI
7	Anna	Lisin
8	Keith	Ollis
9	Gary	Pledger
10	Clarence	Simmons
11	Dale	Stober
12	Joanne	Symons
13	Mohammed	Uddin
14	Victor	Urbinate
15	Iris S	Vallecillo
16	Timothy	Wilds
17	CYNTHIA	WILDS
18	Marjorie	Williams
19	Cindy	Yeargain